

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| BRYAN ANTHONY REO, |) | CASE NO. 1:19CV2589 |
| |) | |
| Plaintiff, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| vs. |) | <u>OPINION AND ORDER</u> |
| |) | |
| MARTIN LINDSTEDT, |) | |
| |) | |
| Defendant. |) | |

CHRISTOPHER A. BOYKO, J.:

This matter comes before the Court upon Plaintiff’s Motion for a More Definite Answer (ECF DKT #7) and Motion to Strike Defendant’s Answer and Counterclaim (ECF DKT #8). For the following reasons, the Court adopts the Magistrate Judge’s Report & Recommendation (ECF DKT #11) and orders Defendant to file a compliant Answer within fourteen days of receipt of this Order.

I. BACKGROUND

The above-captioned case was removed from Lake County Common Pleas Court on November 5, 2019. On November 14, 2019, Defendant filed an Answer and Counterclaim, containing many derogatory terms and insults directed at Plaintiff, his family members and

others. This matter was referred to the assigned Magistrate Judge for pretrial supervision on November 26, 2019.

In his Motions, Plaintiff asserts that he is unable to determine what claims Defendant is attempting to allege against him in the Counterclaim. Moreover, Plaintiff argues that Defendant's pleading contains scandalous, impertinent and immaterial matters which should be stricken pursuant to Fed.R.Civ.P. 12(f).

On December 10, 2019, the Magistrate Judge recommended that the Court grant Plaintiff's unopposed Motion to Strike, require Defendant to amend his pleading in accordance with the Federal Rules of Civil Procedure and deny as moot Plaintiff's Motion for More Definite Answer.

On December 27, 2019, Defendant filed Objections to the Report and Recommendation (ECF DKT #12). Defendant recites the background of the litigation; but unfortunately, also repeats many of the allegations to which Plaintiff objects. However, Defendant does state (by addressing himself in the third person) that "it is time for Pastor Lindstedt to admit to mistakes and modify his approach as necessary" and "asks for leave to modify or amend his Answer & Counter-Claims." (*Id.* at 2). Defendant acknowledges that "Magistrate Parker is well served by Pastor Lindstedt filing an amended complaint" and refers to his own pleading as an "admittedly flawed Answer & Counter-Claim." (*Id.* at 3, 4).

II. LAW AND ANALYSIS

Standard of Review

A district court reviews *de novo* any finding or recommendations of the magistrate judge's report and recommendation to which specific objections are made. 28 U.S.C.

§ 636(b)(1)(c); 28 U.S.C. § 2254, Rule 8(b); Loc. R. 72.3(b). A party may not file a general objection to the entirety of the magistrate's report. *Ayers v. Bradshaw*, 2008 WL 906100, at *1 (N.D. Ohio Mar. 31, 2008) (citing *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1999)). "For an objection to be sufficiently specific, the petitioner must direct 'the district judge's attention to specific issues decided by the magistrate contrary to [the petitioner's] position.'" *Ayers*, at *2 (quoting *Neuman v. Rivers*, 125 F.3d 315, 323 (6th Cir. 1997)).

In the Report & Recommendation, the Magistrate Judge finds that Defendant's Answer and Counterclaim do not comply with Fed.R.Civ.P. 8. The Magistrate Judge recommends that Defendant be required to file an Answer that complies with Rule 8, "containing a short and plain statement of his grounds for relief and his defenses to [Plaintiff's] claims, minus the redundant, immaterial, impertinent and scandalous statements asserted in his original pleading." (ECF DKT #11 at 2).

Defendant acknowledges that he has been required to amend his pleadings in other related cases in this district. In the instant matter, Defendant admits "mistakes" and seeks leave to amend. Defendant does not specifically object to the Magistrate Judge's recommendations here; rather, he asserts that he may be "unable for whatever reason to file the sort of legal monkey-talk" necessary to comply with the pleading rules.

The Court is not persuaded by Defendant's generalized objections to the Report & Recommendation nor by his attacks on the Rules of Civil Procedure as "monkey-talk." Defendant's objections fail to meet the standard necessary for this Court's *de novo* review of the Magistrate Judge's reasoned recommendations.

III. CONCLUSION

Therefore, the Court adopts the Magistrate Judge's Report & Recommendation (ECF DKT #11); grants Plaintiff's Motion to Strike (ECF DKT #8); denies as moot Plaintiff's Motion for More Definite Answer (ECF DKT #7); and orders Defendant to file a compliant Answer within fourteen days of receipt of this Order.

IT IS SO ORDERED.

DATE: 1/17/2020

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge